

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, September 4, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman John Clark

Alderman Valerie Joh

Alderman Michael McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Jeff Fleming – Assistant City Manager for Development.
- II.B. **INVOCATION:** Mike Beverly, Minister – Indian Springs Christian Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

A. August 20, 2012 Regular Work Session

B. August 21, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcels 1, 2, 3 on Tax Map 61C, Group C located along East Center Street from B-1 Zoning to B-3 Zoning (AF: 262-2012).** City Planner Jason Meredith gave a presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

Motion/Second: Shupe/Segelhorst, to pass:

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AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 1425,1433,1451, 1455, 1457,1459, 1501,1503,1505,1507 EAST CENTER STREET FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-3, GENERAL BUSINESS DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 6.60 on Tax Map 46E, Group E located along Bridgewater Lane and Bowater Drive from B-3 Zoning to R-4 Zoning (AF: 263-2012).** City Planner Jason Meredith gave a presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 1400 BRIDGEWATER LANE FROM B-3, GENERAL BUSINESS DISTRICT TO R-4, MEDIUM DENSITY APARTMENT DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Public Hearing for Annexation Annual Plan of Services Report (AF: 248-2012).** City Planner Forrest Koder gave a brief presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

**4. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Chase Meadows Annexation Area (AF: 249-2012).** City Planner Forrest Koder presented this item to remove street lights from this area's plan of service. He confirmed for Vice-Mayor Parham that park personnel had been contacted. A citizen suggested the lights be considered at an unspecified later date rather than removing them from the plan completely. Public Works Director McReynolds addressed emails received by the city about this issue.

**PUBLIC COMMENT ON ITEM VI.AA.4.** None.

Motion/Second: Shupe/Clark, to pass:

**Resolution No. 2013-037, A RESOLUTION AMENDING RESOLUTION NO. 2008-121 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR MEADOWS ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE PERTAINING TO THE PROVISION OF STREET LIGHTS**

Passed: All present voting "aye."

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**5. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Division 2, Section 114-201 for the City of Kingsport** (AF: 250-2012). City Planner Forrest Koder provided information on this item. He stated this change to the Tourist Accommodation zone clarifies the original intent and purpose of the actual district by removing some of the limitations established with the original TA zone.

**PUBLIC COMMENT ON ITEM VI.AA.5.** None.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, DIVISION 2, SECTION 114-201; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Amend the Various Projects and Funds** (AF: 264-2012).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company** (AF: 267-2012).

Motion/Second: Segelhorst/McIntire, to pass:

**Resolution No. 2013-038,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company** (AF: 269-2012).

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Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2013-039**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY

Passed: All present voting "aye."

**3. Consideration of a Resolution Approving Settlement of Three Condemnation Actions and Authorizing the Mayor to Execute All Documents to Effectuate the Settlement** (AF: 261-2012). Mayor Phillips pointed out this was agreed upon by all parties and cost much less than a lawsuit.

Motion/Second: Parham/Clark, to pass:

**Resolution No. 2013-040**, A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION CASE; AUTHORIZING THE CITY ATTORNEY TO ENTER AN ORDER REGARDING THE SAME; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS TO EFFECTUATE THE ACQUISITION

Passed: All present voting "aye."

**4. Consideration of a Resolution Dissolving the Management Agreement with the Greater Kingsport Family YMCA to Manage the Kingsport Aquatic Center and Authorizing the Mayor to Sign All Applicable Documents** (AF: 273-2012). Assistant to the City Manager Chris McCartt gave a presentation on this item and listed the reasons it would be beneficial for the city to move forward with this resolution. City Manager Campbell commented this would not only control the costs but it would also maximize revenue and the use of this facility.

Motion/Second: Parham/Clark, to pass:

**Resolution No. 2013-041**, A RESOLUTION AUTHORIZING THE TERMINATION OF THE MANAGEMENT AGREEMENT WITH THE GREATER KINGSPORT FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC., PURSUANT TO SECTION XXI OF THE AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE TERMINATION

Passed: All present voting "aye."

**5. Consideration of a Resolution Amending the Fee Schedule in Order to Establish a Non-City Sullivan County Resident Senior Center Membership Fee** (AF: 258-2012). City Manager Campbell pointed out this would affect about 600 members at the Senior Center.

Motion/Second: Segelhorst/Joh, to pass:

**Resolution No. 2013-042**, A RESOLUTION AMENDING RESOLUTION NO. 2012-250 TO PROVIDE FOR CHANGES IN THE CHARGE IN CHAPTER 70-LEISURE SERVICES

Passed: All present voting "aye."

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**6. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Special Opportunities Grant from the Tennessee Arts Commission (AF: 270-2012).**

Motion/Second: Segelhorst/Joh, to pass:

**Resolution No. 2013-043, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SPECIAL OPPORTUNITIES GRANT FROM THE TENNESSEE ARTS COMMISSION**

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

Motion/Second: McIntire/Joh, to adopt as amended:

**1. Consideration of an Ordinance Amending Section 102-106 of the Code of Ordinances to Authorize Operation of Bicycles on Certain Sidewalks (AF: 255-2012).** Alderman McIntire moved to amend this ordinance by adding the words "between Main Street and New Street" after the words "Broad Street" in Section I, subsection (a). Alderman Shupe seconded this motion with all present voting "aye."

Adopt:

**Ordinance No. 6242, AN ORDINANCE AMENDING SECTION 102-106 OF THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, PERTAINING TO VEHICLES ON SIDEWALKS BY AUTHORIZING THE OPERATION OF BICYCLES ON CERTAIN SIDEWALKS; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell reminded everyone that it was United Way campaign time again, noting the core group of staff who administer this program do a great job.

**B. MAYOR AND BOARD MEMBERS.** Alderman McIntire congratulated the high school students who had taken the ACT test, noting two perfect scores and an average that was above the nation's average. He also congratulated City Recorder Demming and the Finance Department on a recent award.

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Alderman Shupe stated he was excited to watch Blake Leeper, who is from Kingsport, as he won a bronze medal and is qualified for more races.


Alderman Segelhorst commented on Sullivan County and Kingsport schools. He also congratulated Police Chief Osborne on the humanitarian award he received from Judge Tooley earlier today at the work session.

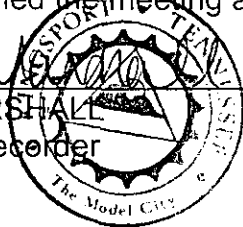
Alderman Clark pointed out it was football time again and noted the increase in school spirit. He stated that Friday nights were special and congratulated all student athletes.

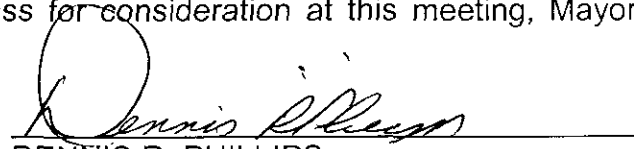
Vice-Mayor Parham offered his sincere congratulations to Chief Osborne.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor